Conference on Disarmament

21 February 2018

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Note verbale dated 22 August 2017 from the Permanent Mission of the Democratic Socialist Republic of Sri Lanka, in its capacity as the Coordinator for the Group of 21, to the Secretariat of the Conference of Disarmament transmitting the G-21 Working paper on Negative security assurances

The Permanent Mission of the Democratic Socialist Republic of Sri Lanka to the United Nations Office at Geneva and other International Organizations in Switzerland presents its complements to the Secretariat of the Conference on Disarmament, and in its capacity as the Coordinator for the Group of 21, has the honour to submit herewith the G-21 Working paper on negative security assurances.

On behalf of the Group of 21, the Permanent Mission of Sri Lanka requests that the document be issued as an official Working paper of the Conference on Disarmament for the year 2017.

The Permanent Mission of the Democratic Socialist Republic of Sri Lanka to the United Nations Office at Geneva and other International Organizations in Switzerland avails itself of this opportunity to renew to the Secretariat of the Conference on Disarmament the assurance of its highest consideration.

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Negative security assurances

1. The Group of 21 reaffirms that the total elimination of nuclear weapons is the only absolute guarantee against the use or threat of use of nuclear weapons. The Group remains convinced that as long as nuclear weapons exist, the risk of their use and proliferation persists. Therefore, as reflected in the Group's statement delivered by Nigeria on March 17, 2017, the CD should start negotiations on a phased program for the complete elimination of nuclear weapons, including a nuclear-weapons convention prohibiting the possession, development, production, acquisition, testing, stockpiling, transfer and use or threat of use of nuclear weapons, as mandated by the General Assembly of United Nations on its resolution 68/32, leading to agreement on a global, non-discriminatory and verifiable elimination of nuclear weapons, with a specified framework of time.

2. Pending the achievement of the complete elimination of nuclear weapons, the Group reaffirms the urgent need to reach an early agreement on a universal, unconditional, irrevocable and legally-binding instrument to effectively assure non-nuclear-weapon States (NNWS) against the use or threat of use of nuclear weapons under all circumstances, as a high priority, as called for in UN General Assembly resolution 71/30. Such an instrument should be clear, credible, without any ambiguity, non-discriminatory and should respond to the concerns of all the parties. The Group stresses in particular that the negative security assurances provided under a legally-binding instrument should be without any conditions.

3. The Group reaffirms the right of non-nuclear-weapon States not to be attacked by or threatened by the nuclear-weapons States (NWS) with the use of nuclear weapons and strongly calls upon the nuclear-weapon States to refrain from any such action or threat, whether implicit or explicit.

4. The Group underlines the unanimous conclusion of the International Court of Justice that there exists an obligation to pursue in good faith and to bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control.

5. The Group recalls the convening of the high level meeting of the General Assembly on Nuclear Disarmament on 26 September 2013, which demonstrated that this issue remains a major international priority, and supports and calls for the full implementation of its related resolutions 68/32, 69/58, 70/34 and 71/71 to follow up to this meeting. The Group also highlights the importance of the commemoration of 26 September as the International Day for the Total Elimination of Nuclear Weapons devoted to furthering this objective, and welcomes the decision to convene, no later than 2018, a UN high-level international conference on nuclear disarmament.

6. The Group highlights the objectives laid down in resolution 71/60 of the General Assembly entitled "Promotion of multilateralism in the area of disarmament and non-proliferation", which, among other things, reaffirms multilateralism as the core principle in resolving disarmament and non-proliferation concerns.

7. The Group underscores the need to eliminate the role of nuclear weapons in strategic defence doctrines, security policies and military strategies, which not only set out rationales for the use or threat of use of nuclear weapons, but also maintain unjustifiable concepts on international security based on promoting and developing military alliance's nuclear deterrence policies.

8. The Group believes that, pending the total elimination of all nuclear weapons, the establishment of nuclear-weapon-free zones, taking into account provisions of the First Special Session of the General Assembly of the United Nations devoted to disarmament (SSOD I), is a positive step and important measure towards strengthening global nuclear disarmament and non-proliferation. In this context, the Group welcomes the nuclear weapon-free zones established by the Treaties of Tlatelolco, Rarotonga, Bangkok, Pelindaba, Semipalatinsk and Mongolia's nuclear-weapon-free-status. The Group of 21 welcomes the resolution 69/66 of the General Assembly of the United Nations which decided to convene the Third Conference of States Parties and Signatories to Treaties that

Establish Nuclear-Weapon-Free Zones and Mongolia as a one-day Conference in New York in 2015 under the leadership of Indonesia, and notes with appreciation the various efforts deployed in this regard to produce concrete results.

9. The Group reiterates that in the context of nuclear-weapon-free zones, it is essential that nuclear-weapon States provide unconditional assurances against the use or threat of use of nuclear weapons to all States of the zones. In this context, the Group urges nuclear-weapon states to withdraw all reservations and interpretative declarations to the Protocols of nuclear-weapon-free zones treaties.

10. The Group welcomes the formal proclamation, for the first time in history, of Latin America and the Caribbean as a Zone of Peace, on the occasion of the Second Summit of the Community of Latin American and Caribbean States (CELAC), held in Havana, Cuba, on 28-29 January 2014, which includes the commitment of all States of that region to further nuclear disarmament as a priority goal and to contribute to general and complete disarmament. Hopefully, this proclamation will be followed by other political proclamations as "Zones of Peace" in other regions of the world. The Group welcomes the Political Declaration of Quito, adopted at the Fourth Summit of Latin American and Caribbean States held in Quito, Ecuador, on 27 January 2016, which reaffirms, inter alia, the commitment of CELAC to the preservation of peace and international security, political independence and nuclear disarmament conducive to general, total and verifiable disarmament. The Group also welcomes the Political Declaration of Punta Cana, adopted at the Fifth Summit of Latin American and Caribbean States held in Punta Cana, Dominican Republic, on 25 January 2017, which reaffirms, inter alia, the commitment of CELAC achieve a total prohibition and elimination of nuclear weapons. CELAC reaffirms its commitment to the consolidation of Latin America and the Caribbean as a Zone of Peace and highlights its character of first ever Zone Free of Nuclear Weapons established by the Treaty of Tlatelolco. The Group welcomes the celebration of the 50th Anniversary of the Treaty of Tlatelolco on 14 February 2017 in Mexico, in the framework of the 25th Session of the General Conference of the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (OPANAL).

11. The Group reiterates its strong support for the early establishment in the Middle East of a zone free of all nuclear weapons. To this end, the Group reaffirms the need for the expeditious establishment of such a zone in response to the resolution 487 (1981) and paragraph 14 of resolution 687 (1991) of the Security Council and the relevant resolutions of the General Assembly.

12. The States Parties of the Group of 21 to the Treaty on the Non-Proliferation of Nuclear Weapons express their disappointment and deep concern that three States Parties, including two States that bear special responsibility as NPT depositary and co-sponsors States of the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons resolution on the Middle East, blocked consensus on the draft outcome document of the ninth Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons including the process to establish a Middle East Zone free of Nuclear Weapons and all other Weapons of Mass Destruction, as contained in the 1995 resolution on the Middle East. This could undermine efforts towards strengthening Treaty on the Non-Proliferation of Nuclear Weapons regime as a whole. The States Parties of the Group of 21 to the Treaty on the Non-Proliferation of Nuclear Weapons reaffirm that the 1995 resolution on the Middle East continues to constitute the basis for the establishment of such a zone and that the 1995 resolution remains valid until fully implemented. The States Parties of the Group of 21 to the Treaty on the Non-Proliferation of Nuclear Weapons also express their serious concern over the lack of implementation of the 1995 resolution, and in accordance with paragraph 6 of this resolution, "Call upon all States party to the Treaty on the Non-Proliferation of Nuclear Weapons, and in particular the nuclear-weapon States, to extend their cooperation and to exert their utmost efforts with a view to ensuring the early establishment by regional parties of a Middle East zone free of nuclear and all other weapons of mass destruction," and reaffirm that the co-sponsors of the resolution must take all the necessary measures to fully implement it without further delay. The States Parties of the Group of 21 to the Treaty on the Non-Proliferation of Nuclear Weapons express their utmost concern that the persistent

lack of implementation of the 1995 resolution, contrary to the decisions made at the relevant Review Conferences of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, erodes the credibility of the Treaty on the Non-Proliferation of Nuclear Weapons and disrupts the delicate balance among its three pillars, taking into account that the indefinite extension of the treaty is inextricably linked to the implementation of the 1995 resolution on the Middle East. In this context, the States Parties of the Group of 21 to the Treaty on the Non-Proliferation of Nuclear Weapons reaffirm the urgency of Israel's accession to the Treaty without further delay and the placement of all its nuclear facilities under comprehensive IAEA safeguards.

13. While the Group believes that the nuclear-weapon-free zones are positive steps towards strengthening global nuclear disarmament and non-proliferation, it does not subscribe to the arguments that declarations that have been made by the nuclear weapon States are sufficient, or that security assurances should only be granted in the context of nuclear-weapon free zones. In addition, given their geographical limitations, security assurances guaranteed to States-members of nuclear-weapon-free zones cannot substitute for universal legally-binding security assurances.

14. The Group recalls that the demand for security assurances was raised by the non-nuclear-weapon States in the 1960s and it crystallized in 1968 during the concluding phase of the negotiations for the Treaty on the Non-Proliferation of Nuclear Weapons. The response of the nuclear-weapon States, however, as reflected in resolutions 255 (1968) and 984 (1995) of the Security Council was incomplete, partial and conditional. The demand for assurances therefore persists.

15. The Group accepts that, while various approaches exist, efforts to conclude a universal and legally-binding instrument on negative security assurances to non-nuclear-weapon States should be vigorously pursued. The Group considers that the conclusion of such an instrument would be an important step towards achieving the objectives of arms control, nuclear disarmament and nuclear non-proliferation in all its aspects.

16. The Group takes notes of the substantive and interactive informal discussions on Negative Security Assurances held in the CD from 18–20 June 2014 pursuant to the Schedule of Activities of the 2014 session contained in document CD/1978, on 27 August 2015 pursuant to the Schedule of Activities of the 2015 session contained in document CD/2021, and on 28-30 June 2017 under the Working Group on the Way Ahead established by decision CD/2090.